

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, November 14, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, October 31, 2007 Worksession.

Action: Approved as amended, (WMH/CLH, 4-0).

2. **S-274-C, Petition Suburban Hospital Inc.** (hospital). Hearing Examiner's Report and Recommendation. Also included are letters to the Board from Barbara Sears, Esquire, Erin Girard, Esquire, and Norman Knopf, Esquire.

Action: Item deferred until the Board's next Worksession, consensus.

3. **A-6224, Appeal of Carol Ann Placek** (Department of Permitting Services – Issuance of Building Permit No. 423918). Letter to the Board from the appellant requesting reconsideration of the decision to grant intervenor status.

Action: Denied request to reconsider the grant of intervenor status to Jodi Longo, (CLH/CGT, 4-0).

4. **S-570, Petition of Wildlife Achievement Club Chapter of Izaak Walton League of America, Inc.** (private club). Letter to the Board from Stephen Lefebvre, Esquire, requesting a name change and an administrative modification.

Action: Granted the request for a change of name and an administrative modification, (CGT/CLH, 4-0).

5. **S-1122, Petition of Laurence E. and Hilda T. Seibel** (accessory apartment). Letter to the Board from the petitioner, Paul Chou, and Karen Huang requesting a transfer of the special exception. Also included is a letter from Norman Knopf, Esquire, on behalf of the Town of Somerset.

Action: (1) Granted the transfer of the special exception; (2) accepted Mr. Knopf's letter and a letter from Mr. Seibel into the record, (WMH/CLH, 4-0).

6. **S-2471, Petition of Kid 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested in Board's Resolution dated 9/5/07. [Large exhibits: sight distance survey and landscape and lighting plan].

Action: (1) Re-opened the record to include the letter from Ms. Moore with attachments; (2) item deferred for additional information on the traffic management plan, consensus.

7. **S-2504, Petition of Sunrise Development, Inc.** (elderly and handicapped housing). Letter to the Board from Timothy Dugan, Esquire, requesting an administrative modification. [Large exhibits: proposed tree plant plan, details and plant schedule, proposed tree plant plan, proposed shrub plant plan, details and plant plan, proposed shrub plant plan, composite approved plant plan, Burdette Road lighting plan, Burdette Road photometric plans (4 pages)].

Action: Granted the administrative modification, (CGT/WMH, 4-0).

DECISION ITEMS:

8. **S-2698, Petition of Sheila and Achintya Pal** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (WMH/CLH, 4-0).

9. **S-2707, Petition of Katherine T. Smith** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CGT/WMH, 4-0).

PENDING ITEMS:

10. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [W/S 2/28/07]. Status Report from Todd Brown, Esquire. [W/S 10/17/07].

PENDING ITEMS (continued)

11. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference held on 3/14/07].
12. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07. [W/S 4/18/07].
13. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report. [W/S 4/18/07].
14. **S-2217, Petition of Shell Oil Company** (automobile filling station). Inspection report from Heather Gottke, Inspector, DPS. Also included are letters from George Rudy, Program Manager [Large exhibits: site plan/landscape layout; site plan/fence layout; site plan/physical layout; canopy plan and elevations; stormwater management]. (1) Re-opened the record to include the correspondence from Ms. Gottke and Mr. Rudy (WMH/CGT, 5-0); (2) DPS has given the special exception holder 60 days in come into compliance; (3) item deferred until after the compliance period which ends 11/24/07. [W/S 10/17/07].
15. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen has been removed. [W/S 7/26/06].

Board Members

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